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EXAMINER

GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/023,811	CIRCENIS, EDGAR
	<b>Examiner</b>	<b>Art Unit</b>
	Shewaye Gelagay	2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

1) Responsive to communication(s) filed on 29 September 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

4) Claim(s) 1-26 is/are pending in the application.  
 4a) Of the above claim(s) 27-32 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-23, 25 and 26 is/are rejected.  
 7) Claim(s) 9 and 24 is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I (including claims 1-26) in the reply filed on September 21, 2006 is acknowledged. The traversal is on the ground(s) that inventions of claim Group I and claim Group II do not share a combination and subcombination relationship and search and examination of the entire application can be made without serious burden on the Patent Office. This is not found persuasive because to support a requirement for restriction between combination and subcombination can be shown if group I does not require the particulars of the subcombination and the subcombination can be shown to have utility either by itself or in another materially different combination. In this case, the combination as claimed does not require the particulars of the subcombination as claimed because invention I is a method of executing a computer operation by determining if a plug-in and its parameters are required and specified; invention II is a method of determining if authorization is required before executing a computer operation. The subcombination has separate utility such as executing a computer operation and authorizing a computer execution. The requirement is still deemed proper and is therefore made FINAL.
2. Claims 1-26 are pending and claims 27-32 are withdrawn.

***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 13-26 are rejected under 35 U.S.C. 101 because the claims lack the necessary physical articles or objects to constitute a machine or manufacture within the meaning of 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, function descriptive material *per se*.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-5 and 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd et al. (hereinafter Todd) U.S. Publication Number 20030097445 in view of Gunduc et al. (hereinafter Gunduc) U.S. Patent Number 6,996,832.

As per claim 1:

Todd teaches a method for regulating execution of a computer operation, comprising:

reading one or more parameters specified with the computer operation; (page 6, paragraph 68-69)

determining if the computer operation requires a plug-in and if not, executing the computer operation; (page 6, paragraph 68-69)

if the computer operation requires at least one plug-in, filtering any required plug-in parameters from the one or more parameters specified with the computer operation; (page 6, paragraph 68-70; page 7, paragraph 78)

Todd does not explicitly disclose terminating the at least one plug-in with failure if not all the required plug-in parameters have been specified; executing the at least one plug-in if all the required plug-in parameters have been specified; and executing the computer operation if the at least one plug-in terminates with success, wherein the at least one plug-in regulates execution of the computer operation.

Gunduc in analogous art, however, discloses terminating the at least one plug-in with failure if not all the required plug-in parameters have been specified; executing the at least one plug-in if all the required plug-in parameters have been specified; (col. 18, lines 10-14) and executing the computer operation if the at least one plug-in terminates with success, wherein the at least one plug-in regulates execution of the computer operation. (col. 34, lines 11-14) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Todd with Gunduc in order to provide linking and loading of a plug-in module that may be incorporated into, or as part of, an application server engine to

allow dynamic customization of the engine interfaces in terms of extending them through plug-in module. (col. 2, lines 58-67; Gunduc)

As per claim 2:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Todd further discloses a method wherein at least one plug-in requires at least one plug-in parameter. (page 6, paragraph 68-69)

As per claims 3 and 20:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Gunduc further discloses a method comprising passing an error message to the computer operation indicating which of the required plug-in parameters have not been specified. (col. 34, lines 1-18)

As per claims 4 and 21:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Gunduc further discloses a method comprising passing a data structure to the computer operation indicating which of the required plug-in parameters have not been specified. (col. 16, lines 23-40)

As per claims 5 and 22:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Todd further discloses a method comprising prompting a user of the computer operation for the required plug-in parameters that had not been specified based on the data structure. (page 3, paragraph 38)

As per claim 13:

Todd teaches a computer operation for executing a system function on a computer further comprising:

means for receiving at least one specified computer operation parameter; (page 6, paragraphs 68-69)

means for operating the at least one plug-in a check mode; (page 6, paragraphs 68-70; page 7, paragraph 78)

Todd does not explicitly disclose at least one plug-in that performs a regulatory function and that terminates with either success or failure; and means for operating the at least one plug-in in an execute mode, wherein the computer operation will execute only if the at least one plug-in terminates with success.

Gunduc in analogous art, however, discloses a method wherein at least one plug-in that performs a regulatory function and that terminates with either success or failure; (col. 18, lines 10-14) and means for operating at least one plug-in in an execute mode, wherein the computer operation will execute only if the at least one plug-in terminates with success. (col. 34, lines 11-14) Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Todd with Gunduc in order to provide linking and loading of a plug-in module that may be incorporated into, or as part of, an application server engine to allow dynamic customization of the engine interfaces in terms of extending them through plug-in module. (col. 2, lines 58-67; Gunduc)

As per claim 14:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Todd further discloses a computer operation wherein the computer operation determines which of the specified computer operator parameters is a plug-in parameter and passes all specified plug-in parameters to the at least one plug-in. (page 6, paragraphs 68-70; page 7, paragraph 78)

As per claim 15:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Todd further discloses a computer operation wherein the at least one plug-in requires at least one required plug-in parameter. (page 6, paragraphs 68-70; page 7, paragraph 78)

As per claim 16:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Todd further discloses a computer operation wherein the at least one plug-in determines whether any required plug-in parameters are among the specified plug-in parameters. (page 6, paragraphs 68-70; page 7, paragraph 78)

As per claim 17:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Todd further discloses a computer operation wherein the at least one plug-in has a check mode in which the plug-in is executed to only check for the at least one required plug-in parameter. (page 6, paragraphs 68-70; page 7, paragraph 78)

As per claim 18:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Gunduc further discloses a computer operation wherein the at least one plug-in has an execute mode in which the execute mode causes the plug-in to perform the regulatory function of the plug-in. (col. 34, lines 11-14)

As per claim 19:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. In addition, Gunduc further discloses a flag is used to hint to the plug-in to indicate whether the implementation is instantiated, new calls to instantiate the implementation result in a reference to the first plug-in instance and the hint can be used to optimize reference handling for other calls. (col. 22, lines 56-64) Both references do not explicitly disclose a computer operation wherein the computer operation passes a mode flag to the at least one plug-in indicating whether to check for the at least one required plug-in parameter. However, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the method disclosed by Todd with Gunduc in order to pass relevant information to the implementation of the plug-in framework. (col. 22, lines 41-44; Gunduc)

7. Claims 6, 10-12, 23 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd et al. (hereinafter Todd) U.S. Publication Number 20030097445 in view of Gunduc et al. (hereinafter Gunduc) U.S. Patent Number 6,996,832 and further in view of Weschler United States Letter Patent Number 6,842,903.

As per claims 6 and 23:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. Both references do not explicitly disclose a method wherein the at least one plug-in further comprises an authorization plug-in and executing the at least one plug-in further comprises attempting to obtain authorization for executing the computer operation.

Weschler in analogous art, however, discloses a method wherein the at least one plug-in further comprises an authorization plug-in and executing the at least one plug-in further comprises attempting to obtain authorization for executing the computer operation. (col. 8, lines 21-24) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Todd and Gunduc with Weschler in order to implement functionality and program behavior that is not included in the built-in essential function. (col. 4, lines 23-26; Weschler)

As per claims 10 and 26:

The combination of Todd and Gunduc teaches all the subject matter as discussed above. Both references do not explicitly disclose a method wherein executing at least one plug-in further comprises executing a notification plug-in. Weschler in analogous art, however, discloses a method wherein executing at least one plug-in further comprises executing a notification plug-in. (col. 13, line 38) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Todd and Gunduc with Weschler in order to implement

functionality and program behavior that is not included in the built-in essential function.  
(col. 4, lines 23-26; Weschler)

As per claim 11:

The combination of Todd, Gunduc and Weschler teaches all the subject matter as discussed above. In addition, Todd further discloses a method comprising determining whether all of the plug-in parameters required by the notification plug-in are specified before the computer operation and executing the notification plug-in after execution of the computer operation, whereby the computer operation is not executed if the notification plug-in terminates with failure after determining whether all of the plug-in parameters are specified. (page 6, paragraph 68-70; page 7, paragraph 78)

As per claim 12:

The combination of Todd, Gunduc and Weschler teaches all the subject matter as discussed above. In addition, Weschler further discloses a method wherein executing the notification plug-in further comprises notifying a party designated for notification. (col. 14, lines 7-11)

8. Claims 7-8 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Todd et al. (hereinafter Todd) U.S. Publication Number 20030097445 in view of Gunduc et al. (hereinafter Gunduc) U.S. Patent Number 6,996,832 and in view of Weschler United States Letter Patent Number 6,842,903 and further in view of Hemsath et al. (hereinafter Hemsath) U.S. Publication 2002/0178377.

As per claims 7 and 25:

The combination of Todd, Gunduc and Weschler teaches all the subject matter as discussed above. None of the references explicitly disclose a method wherein obtaining authorization further includes checking to see whether the value of at least one required plug-in parameter matches the value of at least one authorization parameter.

Hemsath in analogous art, however, discloses a method wherein obtaining authorization further includes checking to see whether the value of at least one required plug-in parameter matches the value of at least one authorization parameter. (page 6, paragraphs 57-62) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Todd, Gunduc and Weschler with Hemsath in order to provide access to secured system resources within the context of an access control framework. (page 1, paragraph 2)

As per claim 8:

The combination of Todd, Gunduc and Weschler teaches all the subject matter as discussed above. None of the references explicitly disclose a method wherein obtaining authorization further includes checking to see whether the value of at least one required plug-in parameter matches the value of at least one authorization parameter. Hemsath in analogous art, however, discloses a method wherein obtaining authorization further includes checking to see whether the value of at least one required plug-in parameter matches the value of at least one authorization parameter. (page 6, paragraphs 57-62) Therefore it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the method disclosed by Todd, Gunduc

and Weschler with Hemsath in order to provide access to secured system resources within the context of an access control framework. (page 1, paragraph 2)

***Allowable Subject Matter***

9. Claims 9 and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

As per claims 9 and 24:

The cited prior art does not explicitly teach a method wherein the at least one authorization parameter is generated using a license key generating tool; and the authorization plug-in links to a license key generation tool controlled by an authorizing party so that the authorization plug-in grants authorization only if the system application is executed with a parameter specifying a license key generated by that tool.

***Response to Arguments***

10. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Shewaye Gelagay

  
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SUPERVISORY PATENT EXAMINER